

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

JERRY PARHAM

PLAINTIFF

v.

Civil No. 6:16-cv-6001

VESTAL, LPN CCS

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed July 22, 2016, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. ECF No. 9. Judge Ford recommends that Plaintiff's official capacity claim against Defendant Vestal be dismissed without prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a). No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Plaintiff's official capacity claim against Defendant Vestal is **DISMISSED WITHOUT PREJUDICE**. Plaintiff's individual capacity claim against Defendant Vestal remains for further resolution.

**IT IS SO ORDERED**, this 15th day of August, 2016.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge